In the High Court of Judicature at Madras

Dated:14.09.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition Nos.828 to 832 of 2006

K. Jayanthi .. Petitioner in HCP.828/06
Suryakumari .. Petitioner in HCP.829/06
S. Lakshmi .. Petitioner in HCP.830/06
Madhubala .. Petitioner in HCP.831/06
K. Vijaya .. Petitioner in HCP.832/06

vs.

1. The Commissioner of Police
   Egmore, Chennai 8.

2. The Inspector of Police
   K.10 Koyembedu Police Station
   Chennai 107.

3. The Inspector of Police
   V.6 Kolathur Police Station
   Kolathur, Chennai 99.

4. The Inspector of Police
   K.3 Aminjikarai Police Station
   Chennai 29.

5. The Inspector of Police
   V.4 Rajamangalam Police Station
   Rajamangalam, Chennai 49. .. Respondents in all the HCPs

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Petitions filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioners : Mr. M. Prabhakar

For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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COMMON ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner in each petition prayed for issuance of writ of habeas corpus directing the respondents 2 to 4 to produce the body of K. Rajkumar, V. Varunkumar, Praveen Reddy, Arunkumar, Salaiah and Varagamurthy, before this Court and set them at liberty.

2. It is seen from the affidavit filed in support of the above petitions that all the detenus are from respectable family and working in different places. It is their grievance that in spite of their best efforts, according to the petitioners they were not permitted to see the detenus and their whereabouts are not known. It is also alleged that a huge amount of Rs.15 lakhs was demanded to release all the detenus immediately. It is further stated that if the said amount is not paid, the detenus will be booked under Goondas Act and they cannot be released for more than a year. In the same affidavit, it is further stated that they sent telegrams to various dignitaries, viz., Chief Justice of Madras High Court, Chief Minister of Tamil Nadu, Chairman of Human Rights and Chairperson of Tamilnadu Assembly, to take immediate action to release all the detenus.

3. Based on the various averments made in the affidavit filed in support of the above petitions, we directed the learned Additional Public Prosecutor to get instruction. Pursuant to the said direction, the concerned Investigating Officer, viz., Inspector of Police, V.3, J.J. Nagar Police Station, Chennai has filed a report wherein it is stated that on 18.08.2006 at about 10.15 hours one Kumar, S/o. Rangasamy, residing at No.19-F Kabali Thottam, Mylapore, Chennai came to Union Bank of India, J.J.Nagar Branch to draw cash in the said bank. After drawing a sum of Rs.1,40,000/- from the Bank, he was returning to the Company ABN Off Shore Ltd., at No.113, Pantheon Road, Egmore, Chennai by his car bearing registration No.TN 01 A 6554. While he was waiting near the signal at Collector Nagar, Chennai, two persons came in the motor cycle knocking the door of the car and said oil is leaking from the car, to divert the concentration of the said Kumar and while he was got down to check whether the oil is leaking, in the meantime, the accused took the cash bag kept in the car by diverting his attention and fled away in the motorcycle. Immediately, he came to V.3 J.J. Nagar Police Station and lodged a complaint and a case was registered in Crime No.621 of 2006 for offences under Sections 420 and 379 IPC and the same was registered on 18.08.2006 at 3.00 p.m. by the Sub-Inspector of Police and a special team has been formed by the Deputy Commissioner of Police, Anna Nagar, consisting of Inspector of Police, K.10 Koyambedu Police Station, K.3

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Aminjikarai Police Station and V.6 Kolathur Police Station, Chennai. It is further stated that sincere steps were taken by the special party to secure the accused and the accused are identified with the help of surveillance camera, which is kept in ICICI Bank , Nelson Manickam Road, Aminjikarai Branch, Chennai.

4. It is further stated that during the course of investigation, on 30.08.2006 at 9.00 a.m. near Union Bank, the accused Varagamurthy @ Murthy, Praveen Reddy, S/o. Anumandha Reddy were arrested and examined. Based on their confession, it is came to understand that apart from these two accused one Rajkumar, Arunkumar, Varunkumar and Salaiah are also involved in the said offence, further a sum of Rs.1,24,000/- has been recovered along with one laptop and one Rajkumar and Varunkumar have been arrested and on their confession a sum of Rs.20,000/- has been recovered.

5. It is also stated that during the course of investigation, it revealed that those persons have involved in four other similar nature of cases, the details are hereunder.

S.No.	Police Station	Crime No.	Office u/s.
1.	K3 Aminjikarai P.S.	699/2006	420&379 IPC
2.	V3 J.J. Nagar P.S.	621/2006	420&379 IPC
3.	V5 Thirumangalam P.S.	425/2006	379 IPC
4.	K8 Arumbakkam P.S.	602/2006	420 IPC

After investigation, all of them were produced before the learned Judicial Magistrate cum District Munsif, Ambattur, Chennai and remanded to judicial custody on 31.08.2006.

6. Apart from the above information, learned Additional Public Prosecutor also informed this Court that apart from these two detenus, the other two detenus, viz., Varaghamurthy and Praveen Reddy were arrested on 06.09.2006 and as per the orders of Vth Metropolitan Magistrate, Egmore Chennai they were remanded to judicial custody on 08.09.2006.

7. In respect of the allegation that there was a demand of Rs.15 lakhs for release of the detenus, the Officer concerned, viz., one M. Natarjan, Inspector of Police, K.10 Koyambedu Police Station, Chennai has filed a report denying the allegation made in the affidavit. He also reiterated the information furnished by the Inspector of Police, V3 J.J. Nagar Police Station, Chennai.

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8. On going through the details furnished by the Officer concerned and of the fact that the detenus and other accused were arrested and produced before the concerned Judicial Magistrate and they were remanded to judicial custody by the orders of Court and some of them are were released on bail, we are of the view that no further adjudication is required in these petitions and the Investigating Agency is free to proceed further in accordance with law.

With the above observation, these petitions are dismissed.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

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2. The Inspector of Police
   K.10 Koyembedu Police Station
   Chennai 107.
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   Rajamangalam, Chennai 49.
6. The Public Prosecutor,
   High Court, Madras.

2 ccs to Mr.M.Prabhakar, Advocate, SR.42648

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dv./4.10.06

Common Order in
H.C.P.Nos.828 to 832/06

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